

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:09-cr-158
Also Case No. 3:12-cv-013

-vs- : District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

ANTHONY STARGELL,

Defendant.

ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. Nos. 54, 57), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on March 26, 2012¹, hereby ADOPTS said Supplemental Report and Recommendations.

It is therefore ORDERED that the Defendant's § 2255 Motion (Doc. No. 53) be dismissed with prejudice. Reasonable jurists would not disagree with this conclusion and Petitioner is therefore denied a certificate of appealability and the Court certifies that any appeal would not be taken in objective good faith.

April 3, 2012.

*s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge

¹ The Supplemental Report and Recommendations was filed on February 27, 2012. When the mail was returned from Defendant's prior address, it was re-sent to his new address and the due date for objections reset to March 26, 2012 (See Doc. No. 59).